

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Final Office Action dated June 9, 2009 has been received and its contents carefully reviewed.

Claims 1 and 8 are hereby amended. No new matter has been added. Claims 6 and 10 have been canceled. Accordingly, claims 1-5, 7-9, 11-13 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

**The Office has rejected claims 8-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,963,046 to Bergeson(hereinafter “*Bergeson*”).** *Office Action* at p.3. The rejection of claim 10 is moot as this claim has been canceled. Applicant respectfully traverses the rejection of the remaining claims and requests reconsideration.

Independent claim 8 is allowable over the cited reference in that claim 8 recites a combination of elements including, at least, “a sump housing coupled to an outer bottom surface of a tub, the sump housing having: a heater receiving portion; a water supply connector formed on a first portion of the heater receiving portion; and a heater insertion hole formed on a second portion of the heater receiving portion; a washing motor mounted under the sump housing; and a washing pump located in the sump housing to pump the washing water out, wherein an extending portion at an outer bottom surface of the sump housing extends downward to prevent the washing water from infiltrating into the washing motor, and the extending portion is formed around the washing motor.” *Bergeson* fails to disclose at least these features of the claimed invention.

First, Applicant asserts that the Office incorrectly attributes the claimed limitations of the sump housing, to the tub 11 of *Bergeson*, and thus wholly fails to set forth a proper basis for anticipation under 35 U.S.C. § 102(b). More particularly, the Office asserts that *Bergeson* anticipates the claimed invention by teaching that “[t]he side wall of **tub 11** (first portion of washing water storing portion) is outfitted with an inlet water system 71 (water supply connector).” The Office further asserts that, “[t]he bottom wall 30 of the fluid container houses an arcuate heating element 75 (heater) which is inserted into a hole formed in the bottom wall 30, and supported therein by a plurality of supports 76.” *Office Action* at p.3. It is immaterial that

the tub 11 or the fluid container in *Bergeson* has such features because claim 8 does not recite a tub having such features.

More specifically, *Bergeson* discloses, a basic dishwashing apparatus that “includes the liquid container 11 defining a washing chamber [which is] supported on the pair of side panels 14.” *Bergeson* at col. 4:6-8. Clearly, the tub 11 in *Bergeson* is a washing chamber for cleaning dishes, which is a wholly different than a sump, as set forth in claim 8.

In contrast, claim 8 recites “a sump housing coupled to an outer bottom surface of a tub, the sump housing having: a heater receiving portion; a water supply connector formed on a first portion of the heater receiving portion; and a heater insertion hole formed on a second portion of the heater receiving portion.” As stated, *Bergeson* may teach a washing chamber with similar features, but it clearly does not a sump having these features.

*Bergeson*, actually distinguishes sump 89 from the tub 11, stating, “[a] first portion 88 of the housing 80 depending from the bottom wall 30 defines a generally annular sump 89 communicating and facing generally upwardly toward the washing chamber 32 as shown best in FIGS. 3 and 4.” *Bergeson* at col. 5: 40-44. Therefore, for arguments sake, the main sump-pump housing 80 of *Bergeson* may correspond to the sump housing of the claimed invention and the bottom wall 30 may correspond to the bottom surface of the claimed tub. The inlet water system 71 and the heating element 75 of *Bergeson* are, however, provided at the tub, not the sump housing 80. Thus, *Bergeson* fails to anticipate at least these limitations, as recited in independent claim 8.

Second, Applicant asserts that *Bergeson* fails to disclose, at least the claimed position of the washing motor. Claim 8 recites, “a washing motor mounted under the sump housing,” however, the motor 40 of *Bergeson* is disposed at rear side of the dishwasher and offset to the side of sump 80. *Bergeson* at col. 3:24-26 and See FIG. 3. *Bergeson* discloses that the motor 40 is mounted on the base 15 of the freestanding dishwasher through resilient spaces 44 and 45 and auxiliary bracket 46. *Bergeson* at col. 3:37-41. Thus, the motor 40 of *Bergeson* is not mounted under the sump housing 80.

Third, Applicant asserts that *Bergeson* wholly fails to anticipate the claimed, “extending portion,” of claim 8. Claim 8 recites, “an extending portion at an outer bottom surface of the sump housing extends downward to prevent the washing water from infiltrating into the washing motor, and the extending portion is formed around the washing motor,” as recited in independent claim 8. The Office associates the extending portion (and the “water infiltration preventing rib,” of claim 1) of the claimed invention with the “retainer clips 85,” of *Bergeson*. *Office Action* at p. 3. Applicant respectfully, but strongly disagrees.

As seen from FIG. 3, and the associated text of *Bergeson*, the retainer clips 85 are actually provided at predetermined locations for coupling the tub 11 with the sump housing 80. *Bergeson* at col. 5:27-39. The retaining clips are located at a bottom surface of the tub 11, not a bottom surface of the sump 80, as claimed. Further, as discussed above, the washing motor 40 of *Bergeson* is offset and to the side of sump housing 80, and thus in no way are the retainer clips “formed around the washing motor,” as recited in independent claim 8.

Finally, Applicant points out that even if *Bergeson*’s retainer clips 85 satisfied the claimed structure of an “extending portion,” which they do not, they would fail to anticipate the claimed invention as they are incapable of performing the claimed invention. In contrast, the extending portion (or the preventing rib) of the claimed invention is for “prevent[ing] the washing water from infiltrating into the washing motor,” as recited in independent claim 8. As the washing motor 40 of *Bergeson* is offset and to the side of sump housing 80, the retainer clips do not act to prevent any water leakage that may occur from the sump housing 80 to the motor 40.

For at least these reasons, Applicant asserts that claim 8 is patentably distinguishable over *Bergeson*, and respectfully requests that the Office withdraw the 35 U.S.C. § 102(b) rejection of independent claim 8. Claims 9 and 11-13 depend from independent claim 8. It stands to reason that the 35 U.S.C. §102(b) rejection of those dependent claims should be withdrawn as well.

**Claims 1-7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Bergeson*. *Office Action* at p.4. The**

rejection of claim 6 is moot, as this claim is canceled. Applicant respectfully traverses the rejection of the remaining claims and requests reconsideration.

Independent claim 1 is allowable over the cited reference in that claim 1 recites a combination of elements including, for example, “a sump housing provided under a tub, having a washing water storing portion, a water supply connector formed on a first portion of the washing water storing portion, and a heater insertion hole formed on a second portion of the washing water storing portion, the second portion opposite to the first portion; a washing motor mounted beneath the sump housing; a heater capable of insertion into the washing water storing portion through the heater insertion hole; and a water infiltration preventing rib having a first end attached to an outer bottom surface of the sump housing and a second end extending from the first end, wherein the water infiltration preventing rib creates a perimeter around the washing motor, and a lower end of the water infiltration preventing rib is distant from the washing motor by a predetermined distance.” *Bergeson* does not teach or suggest at least these features of the claimed invention.

Claim 1 recites similar features as claim 8. Thus, for the same or similar reasons discussed above regarding claim 8, Applicants respectfully assert that *Bergeson* fails to teach or suggest at least the above features of claim 1, and respectfully submits that independent claim 1 is allowable over *Bergeson*.

Accordingly, Applicants respectfully submit that claim 1 is patentably distinguishable over *Bergeson*. Claims 2-7 which depend from independent claim 1 are also patentably distinguishable for at least the same reasons as discussed above. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 102(b) or the 35 U.S.C. § 103(a) rejection of claims 1-7.

### **CONCLUSION**

The foregoing amendments place the application in condition for allowance. Early, favorable action is respectfully solicited. If for any reason the Examiner finds the application

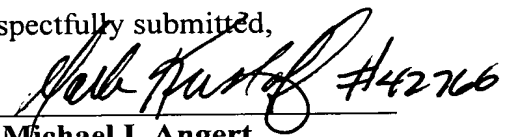
other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: August 10, 2009

Respectfully submitted,

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